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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,933	06/28/2006	Andrew Robert Clark	04607/0203002-USO	8660
7278	7590	04/04/2008		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER YOUSSEF, ADEL Y	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 04/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,933

**Applicant(s)**

CLARK ET AL.

**Examiner**

ADEL YOUSSEF

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is in response to the arguments filed on 11/28/2007. This action is made **FINAL**.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 18-37 have been considered but are moot in view of the new ground(s) of rejection.

1.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nickels et al (U.S. Patent No: 6134591) in view of Park et al. (PGPUB-No: 2002/0073322).

**Regarding claim 18**, Nickels teaches a communication system arranged to communicate under the Transmission Control Protocol (TCP), but fail to teach the system being arranged to not accept a TCP connection request from an initiating party

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unless a connection has already been negotiated by the receiving party. However Park et al. teach the system being arranged to not accept a TCP connection request from an initiating party unless a connection has already been negotiated by the receiving party. (paragraph 14, lines 1-7, paragraph 15, line 1-7, paragraph 18, lines 6-14, paragraph 20, lines 8-15 ). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Nickels to include a connection has already been negotiated by the receiving party as taught by park in order to provide security system thereby improve more customer services.

**Regarding claim 19**, Nickels further teaches a communication system according to claim 18, but fail to teach wherein the connection is negotiated by receipt at the communication system of a connection request message. However park et al. teach the connection is negotiated by receipt at the communication system of a connection request message ( paragraph 20, lines 8-15, paragraph 47). Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Nickels to include the connection is negotiated by receipt at the communication system of a connection request message as taught by park in order to provide security system thereby improve more customer services.

**Regarding claim 20**, Nickels further teaches communication system according to claim 18, wherein the request message comprises a datagram (column 16, lines 1-40 (See figure 10); Nickels teaches a diagram with a data format that indicates where to log data

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at the network points).

**Regarding claim 21**, Nickels further teaches a communication system according to claim 19, wherein the connection request message includes data on the connection requested (column 3, lines 50-65, column 11, lines 60-65 and column 12, lines 4-15; Nickels teaches the message has data on the connection and a confirmation that the data was sent by the object).

**Regarding claim 22**, Nickels further teaches a communication system according to claim 19, wherein the connection request message includes information on a source of the connection request message (column 4, lines 2-29 and column 11, lines 1-15; Nickels teaches a source computer system of the connection provides information (online)).

**Regarding claim 23**, Nickels further teaches a communication system according to claim 19, wherein the communication system is arranged to evaluate the connection request message prior to accepting a TCP connection (column 6, lines 35-50; Nickels teaches the device communicates over the network using TCP).

**Regarding claim 24**, Nickels further teaches a communication system according to claim 23, wherein the evaluation includes authenticating data within the connection request message (column 3, lines 60-65 and, column 12 lines 15-65 (See figure 7);

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Nickels teaches authenticating the first message by calculating a digital signature associated with the first message).

**Regarding claim 25**, Nickels further teaches a communication system according to claim 23, wherein the evaluation includes authenticating the source of the connection request message (column 3, lines 60-65 and column 4, lines 1-25; Nickels teaches authenticating the source computer program of the connection).

**Regarding claim 26**, Nickels further teaches a communication system according to claim 23, wherein the communication system is arranged to negotiate an encryption key during evaluation (column 3, lines 48-65; Nickels teaches the security system provides encryption keys).

**Regarding claim 27**, Nickels further teaches a communication system according to claim 18, wherein each communication system comprises a computer network communication protocol stack (column 6 lines 36-65; Nickels teaches a protocol stack is defined as http application and TCP as transport and IP as a network).

**Regarding claim 28**, Nickels further teaches a communication system according to claim 18, wherein the or each communication system comprises a network communications device (column 1, lines 10-35 and, column 3, lines 5-25; Nickels teaches that all devices communicate with each other by network communication).

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**Regarding claim 29**, Nickels further teaches a communication system according to claim 28, wherein the network communications device comprises one of a router, bridge, gateway, firewall or switch (column 8, lines 25-60; Nickels teaches a gateway program module 72, See figure 3 and the gateway component of the web server 32, see figure 6).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 30-37 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nickels et al (U.S. Patent No: 6134591).

**Regarding claim 30**, Nickels teaches a program storage device readable by a machine (column 8, lines 67, column 9, lines 40-45, column 11, lines 9-11, see figures 4, 5) and encoding a program of instructions for requiring to teach a computer system to negotiate connection with a source system to be completed prior to acceptance of Transmission Control Protocol (TCP) communication packets from the source system (column 6, lines 43-47, column 9, lines 24-28, see figure 4).

**Regarding claim 31**, Nickels teaches a data communications connection method for the Transmission Control Protocol (TCP) comprising but fail to teach the steps of: prior to the establishment of a TCP/IP connection an initiating party computer system sending a connection request message to a receiving party computer system(column 6, lines 43-47, column 9, lines 24-28, see figure 4); receiving the connection request message at the receiving party computer system; opening a TCP connection at the receiving party computer system for the initiating party computer system, and, communicating between the initiating and receiving party computer systems using TCP communication packets (column 3, lines 22-25, 50—63, column 16, lines 40-65, see figure 11).

**Regarding claim 32**, Nickels further teaches a data communications connection method according to claim 31, wherein the connection request message includes data on the connection requested (See figure 7, column 12 lines 15-65; Nickels teaches The web server #32 passes the data messages from the computer system #16 to the security server #24 indicating that the computer system #16, See figure 1).

**Regarding claim 33**, Nickels further teaches a data communications connection method according to claim 31, wherein the connection request message includes information on the initiating party computer system (column 4 lines 2-30; Nickels teaches the connection message providing addressing information for the source



computer).

**Regarding claim 34**, Nickels further teaches a data communications connection method according to claim 31, further comprising: evaluating the connection request message at the receiving party computer system prior to accepting a TCP connection (column 6, lines 35-55 and, column 9, lines 20-55; Nickels teaches computer system used to handle network transaction traffic between a user computer system and application server computer system as used in connection with the preferred embodiment of the network security system, see figure 3).

**Regarding claim 35**, Nickels further teaches a data communications connection method according to claim 34, wherein evaluating the connection request message includes authenticating data within the connection request message (See figure 7, column 12 lines 15-65; Nickels teaches authenticating the first message by calculating a digital signature associated with the first message).

**Regarding claim 36**, Nickels further teaches a data communications connection method according to claim 34, wherein evaluating the connection request message includes authenticating the initiating party computer system (column 4 lines 1-25; column 20 lines 15-28; Nickels teaches the connection message provides addressing information for the source computer).

**Regarding claim 37**, Nickels further teaches a data communications connection method according to claim 34, further comprising negotiating an encryption key during evaluation (column 3, lines 45-65; Nickels teaches the security system providing encryption keys during evaluation).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Sakai et al (PGPUB- No: 2004/0243712) teach an internet communication system, which is provided with session managing servers 210 and 220. In the system, each session managing server manages wireless communication

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apparatuses 110 and 120 and call relay servers 310 and 320. For that reason, the processing load of each session managing server is allowed to be equalized. As a result, the operational efficiency of the system may be enhanced, and quality of services offered to the user of the system may be improved.

Any response to this Office Action should be **faxed** to (571) 273-8300 or **mailed to**:  
Commissioner for patents  
P.O.Box1450  
Alexandria, VA 22313-1450

**Hand-delivered responses should be brought to**

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adel Y. Youssef whose telephone number is 571-270-3525. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lana Le can be reached on 571-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ADEL YOUSSEF

UNIT#2618

03/19/2008

/Lana N. Le/

Primary Examiner, Art Unit 2614